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January 15, 2024

By ECF and Facsimile

The Honorable Mary Kay Vyskocil
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, NY 10007-1312

Re: *Pania et al. v. Crunch Holdings, LLC, No. 1:24-cv-7127-MKV*
 Unopposed Letter Motion Seeking Leave to file Amended Motion to Compel and
 for Entry of Briefing Schedule

Dear Judge Vyskocil:

We represent Defendants Crunch Holdings, LLC, Crunch Franchising, LLC, and Crunch, LLC (collectively, “Defendants”) in the above-referenced action. The parties have met and conferred regarding Defendants’ Motion to Compel Arbitration and Stay Proceedings and accompanying filings, ECF Nos. 26-28 (collectively, the “Motion”), and Plaintiffs’ request to take limited discovery relating to certain contract formation issues relevant to the Motion. In the course of the parties’ meet and confer efforts, Defendants determined that the form of membership agreement attached to and referenced in the Motion was inadvertently a form used in 2024, not 2023, when Plaintiffs signed up for their Crunch membership. Defendants have produced the 2023 forms of the membership agreement to Plaintiffs, and the parties have met and conferred regarding the filing of an amended Motion, and the discovery sought by Plaintiffs. The parties have negotiated and agreed on a schedule for the discovery requested by Plaintiffs and the briefing of the Motion.

The parties jointly request that the Court enter the following schedule for discovery and briefing relating to the Motion:

Event	Deadline
Defendants file amended Motion and memoranda of law (with supporting declarations)	January 17

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Plaintiffs serve written discovery (as negotiated by the parties)	January 24
Defendants respond to written discovery (as negotiated by the parties)	February 5
Parties to resolve open discovery issues and complete one deposition (via Zoom)	February 6 - 28
Plaintiffs' Opposition to Defendants' Motion	March 14
Defendants' Reply in support of Motion	March 28

The parties respectfully submit that there is good cause for the entry of the proposed schedule and respectfully note that, in Plaintiffs' prior submission to the Court in December, Plaintiffs had contemplated the possibility that they would seek limited discovery relating to certain contract formation issues in the Motion. The parties respectfully submit that it would be in the interests of judicial economy and preserve the Court and parties' resources to (1) allow Defendants to file their amended Motion, so the 2023 version of the membership agreement that Defendants contend Plaintiff agreed to is presented with the Motion, and (2) allow the parties to complete the limited discovery they have negotiated before their briefing is completed, so that any factual disputes relating to the Motion are presented to the Court in a single set of briefing.

Thank you for the Court's attention to this matter.

Respectfully submitted,

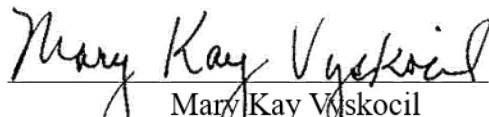
/s/ Ian M. Ross
Ian M. Ross

Counsel for Crunch Holdings, LLC, Crunch Franchising, LLC, and Crunch, LLC

cc: Counsel of record (via ECF)

The Parties' request to amend the motion to compel briefing schedule as detailed above is HEREBY GRANTED. The motion at ECF No. 26 as well as the letter motion at ECF No 31 are each DENIED as moot.
SO ORDERED.

Date: 1/21/2025
New York, New York


Mary Kay Vyskocil
United States District Judge